

REMARKS

Claims 1-36 were pending in this application; claims 1-8 were withdrawn from consideration.

Claims 1-8 and 13 are canceled without prejudice.

Claims 9, 12, 15, 27, and 29-31 are amended.

Claims 9, 12, and 15 are independent claims.

Upon entry of this amendment, claims 9-12 and 14-36 will be pending, of which 9, 12, and 15 are independent claims.

I. DOUBLE PATENTING

Claims 9-16 and 23-31 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,328,814. Claims 17-22 and 32-36 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,328,814 in view of U.S. Patent No. 6,217,665 (hereinafter "Suzuki").

To overcome the double patenting rejections of claims 9-36, a Terminal Disclaimer and the requisite fee are submitted with this paper.

II. CLAIM REJECTIONS 35 U.S.C. § 102(e)A. FOEDERL U.S. PATENT NO. 5,928,432

Claims 9, 12, and 23-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,928,432 (hereinafter "Foederl"). Applicants respectfully traverse this rejection.

Applicants respectfully submit Foederl does not appear to show all claim features of amended independent

claims 9 and 12. Amended independent claim 9 recites, *inter alia*:

a tank of fluid, for at least partially submerging a substrate, the tank comprising a first portion for receiving the substrate and a second portion that is horizontally adjacent the first portion, **wherein the first portion is operatively coupled to the second portion such that the substrate may be passed directly from the first portion to the second portion without being removed from the tank** (emphasis added).

Amended independent claim 12 recites similar features. Support for these amendments may be seen in Applicants' Specification at least at Page 6, line 29 to Page 7, line 4, Page 9, lines 18-21, and FIGs. 1B and 2B. Here, Applicants describe directly passing a substrate from a first portion of the tank to a second portion without removing the substrate from the tank. In contrast, Foederl discloses a hoist "to raise and lower the basket 28, thereby lowering into the sumps 16 and 17, lifting it, and moving it longitudinally from one sump to the other." (Foederl, Col. 4, lines 8-10) See also Foederl, Col. 5, line 58 to Col. 6, line 18 wherein Foederl describes a process of raising and lowering a basket into and out of sumps 16 and 17. As may be seen in Foederl's FIGs. 1 and 2, the hoist must lift the basket over weir 18, preventing the substrate from being "passed directly from the first portion to the second portion without being removed from the tank" as recited in Applicants' amended independent claim 9 and similarly in amended independent claim 12.

Claims 23-25 are dependent on amended independent claim 12 and are submitted as patentable for at least the same reasons as claim 12.

For at least the reasons set forth above, Applicants assert independent claims 9 and 12 are allowable, as are their respective dependent claims. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102 rejections are respectfully requested.

B. YATES U.S. PATENT NO. 6,350,322

Claims 9-19 and 23-31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,350,322 (hereinafter "Yates"). Applicants respectfully traverse this rejection.

Applicants respectfully submit Yates does not appear to show all claim features of independent claims 9, 12, and 15. Specifically, Yates fails to show "a lift mechanism for lifting the substrate from the second portion of the tank" and a tank "wherein the first portion is operatively coupled to the second portion such that the substrate may be passed directly from the first portion to the second portion without being removed from the tank" as currently recited in Applicants' claim 9 and similarly in claims 12 and 15. Further, Yates fails to show "a substrate shuttle" as recited in claim 15.

In section 8 of the current Office Action, the Examiner broadly points to the entire document and especially FIG. 6 to show the method and apparatus of claims 9-19 and 23-31. However, Applicants respectfully submit Yates does not disclose "a lift mechanism for lifting the substrate from the second portion of the tank," as recited in Applicants' claim 9 and similarly in claims

12 and 15. Rather, Yates, specifically in FIG. 6 and generally in the entire reference, discloses a cascade rinser with no apparent means or apparatus for "lifting the substrate from the second portion of the tank." Accordingly, Yates cannot anticipate Applicants' invention embodied in independent claims 9, 12, and 15 and their respective dependent claims.

Further, Applicants respectfully submit Yates does not appear to show all claim features of amended independent claims 9, 12, and 15. Amended independent claim 9 recites, *inter alia*:

a tank of fluid, for at least partially submerging a substrate, the tank comprising a first portion for receiving the substrate and a second portion that is horizontally adjacent the first portion, **wherein the first portion is operatively coupled to the second portion such that the substrate may be passed directly from the first portion to the second portion without being removed from the tank** (emphasis added)

Amended independent claims 12 and 15 recite similar features. Support for these amendments may be seen in Applicants' Specification at least at Page 6, line 29 to Page 7, line 4, Page 9, lines 18-21, and FIGs. 1B and 2B. Here, Applicants describe directly passing a substrate from a first portion of the tank to a second portion without removing the substrate from the tank. In contrast, Yates appears to show a tank with multiple portions adjacent to each other (Yates, FIG. 5-8), not operatively coupled to each other "such that the substrate may be passed directly from the first portion to the second portion without being removed from the tank" as recited in claim 9. Rather,

Yates appears to show each portion is used for rinsing a different substrate. See Yates, FIG. 6 and Col. 8, lines 30-55. Thus, as there is no need to pass a substrate "directly from the first portion to the second portion," Yates fails to teach or show a tank "wherein the first portion is operatively coupled to the second portion such that the substrate may be passed directly from the first portion to the second portion without being removed from the tank" as recited in independent claim 9 and similarly in independent claims 12 and 15.

The Examiner further states "since the substrate is moved through the tank in the apparatus presented on Fig. 6, a shuttle for such moving is inherently disclosed." However, the substrate is not moved through the tank in the apparatus presented in FIG. 6. Rather, the cascade rinser batch treats a number of substrates in separate areas of the tank. See Yates, Col. 8, lines 30-55. As such, Yates fails to disclose or even imply "a substrate shuttle" as recited in claim 15.

Accordingly, as Yates fails to teach or show all claimed elements of Applicants' independent claims 9, 12, and 15, Applicants respectfully request the examiner reconsider and withdraw the 35 U.S.C. § 102 rejections of these claims.

Claims 10 and 11 depend from independent claim 9 and are allowable for at least the same reasons. Similarly, claims 14 and 23-31 depend from independent claim 12 and are allowable for at least the same reasons. Claims 16-19 depend from independent claim 15 and are allowable for at least the same reasons. Accordingly, reconsideration and withdrawal of the 35 U.S.C. § 102 rejections are respectfully requested.

III. CLAIM REJECTIONS 35 U.S.C. § 103(a)

Claims 20-22 and 32-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yates in view of Suzuki. Applicants respectfully traverse these rejections.

In order to establish a *prima facie* case of obviousness, the prior art must teach or suggest all the claim limitations. Regarding dependent claims 20-22, which depend from independent claim 9 (discussed similarly above in regard to the 35 U.S.C. § 102 rejections) Yates does not appear to show, "a lift mechanism for lifting the substrate from the second portion of the tank" and a tank "wherein the first portion is operatively coupled to the second portion such that the substrate may be passed directly from the first portion to the second portion without being removed from the tank" as recited in independent claim 9, from which claims 20-22 depend. Suzuki also does not appear to teach these features, and therefore does not overcome the shortcomings of Yates. Accordingly, Applicants respectfully submit the rejection of dependent claims 20-22 is improper as the prior art does not appear to show all claim features of the dependent claims and independent claims from which they depend. Applicants respectfully request the Examiner withdraw this rejection.

Independent claim 15, from which claims 32-36 depend, recites similar features to independent claim 9. As described above in regard to the 35 U.S.C. § 102 rejections, Yates does not appear to show all claim features of these claims. Additionally, as discussed above, Yates does not appear to show "a substrate shuttle," as recited in independent claim 15, from which claims 32-36

depend. Suzuki also does not appear to teach these features, and therefore does not overcome the shortcomings of Yates. Accordingly, Applicants respectfully submit the rejections of dependent claims 32-36 are improper as the prior art does not appear to show all claim features. Applicants respectfully request the Examiner withdraw these rejections.

In addition to the reasons set forth above, Applicants further submit the 35 U.S.C. § 103 rejections of claims 20-22 and 32-36 are improper as the Examiner has not provided any reasoning as to why the artisan would have been motivated to make the modifications the Examiner proposes. Further, as the Examiner has conceded, Yates neither expressly nor impliedly suggests the claimed features. Accordingly, Applicants respectfully request the Examiner withdraw these rejections.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. § 103 rejections are respectfully requested.

V. Conclusion

The Applicants believe all the claims are now in condition for allowance, and respectfully request reconsideration and allowance of the same.

A separate Terminal Disclaimer is enclosed herewith. Applicants do not believe any fees other than the Terminal Disclaimer fee are due regarding this amendment. If any other fees are required, however, please charge Deposit Account No. 04-1696. The Applicants encourage the Examiner to telephone Applicants' attorney should any issues remain.

Respectfully Submitted,



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